

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**ANDREW A. HERZOG, Alleged
Mentally Ill and Dangerous,**

Petitioner,

v.

**CHEYENNE COUNTY MENTAL
HEALTH BOARD, and CHEYENNE
COUNTY ATTORNEY,**

Respondents.

CASE NO. 8:08CV255

**MEMORANDUM
AND ORDER**

This matter is before the court on Petitioner's Motion for Reconsideration, which the court liberally construes as a Motion for Relief Under Federal Rule of Civil Procedure 60(b). (Filing No. [27](#).) Along with his Motion, Petitioner has filed a Brief in Support. (Filing No. [28](#).)

On April 15, 2009, the court dismissed Petitioner's Writ of Habeas Corpus and entered Judgment against him. (Filing Nos. [21](#) and [22](#).) Liberally construed, Petitioner seeks relief from the court's Judgment pursuant to [Fed. R. Civ. Pro. 60\(b\)\(6\)](#). (Filing No. [27](#).) [Rule 60\(b\)\(6\)](#) "grants federal courts broad authority to relieve a party from a final judgment 'upon such terms as are just,' provided that the motion is made within a reasonable time and is not premised on one of the grounds for relief enumerated in clauses (b)(1) through (b)(5)." [Liljeberg v. Health Serv. Acquisition Corp.](#), 486 U.S. 847, 863 (1988). However "[r]elief is available under Rule 60(b)(6) only where exceptional circumstances have denied the moving party a full and fair opportunity to litigate his claim and have prevented the moving party from receiving adequate redress." [Harley v. Zoesch](#), 413 F.3d 866, 871 (8th Cir. 2005).

The court has carefully reviewed Petitioner's Motion and Brief. Petitioner has not set forth any "exceptional circumstances" that prevented him from fully litigating his claims or receiving adequate redress. Accordingly, Petitioner's Motion for Reconsideration, liberally construed as a Motion for Relief Under Rule 60(b), is denied.

IT IS THEREFORE ORDERED that Petitioner's Motion for Reconsideration (Filing No. [27](#)), liberally construed as a Motion for Relief Under Rule 60(b), is denied.

DATED this 18th day of April, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

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